

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

A Regular Meeting of the Aransas Pass City Council was held on Monday, May 16, 2022. A notice of the meeting was posted 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Ramiro Gomez, Mayor Pro Tem Carrie Scruggs and Council Members Vickie Abrego, Jason Knight, and Jan Moore were present. Also present was City Manager Gary Edwards and City Attorney Roxann Pais Cotroneo.

1. CALL MEETING TO ORDER.

Mayor Gomez called the meeting to order at 5:30 pm.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Donald Volz, Crosstown Church gave the invocation and led the Pledge of Allegiance to the Flag.

3. SPECIAL CONSIDERATION ITEMS:

3.I Consider and Act on Ordinance canvassing and declaring the results of the General Election held on May 7, 2022 in the City of Aransas Pass for the purpose of electing Council Members for Place 2 and Place 4.

City Secretary Juarez stated the purpose of this item is to canvass the election returns of the election that was held on May 7, 2022. Ms. Juarez then read the following election results: Council Member Place 2 – Jason Knight received 278, and Gregg Farrar (W) received 60; Place 4 – Vickie Abrego received 285.

A motion was made by Mayor Pro Tem Scruggs to approve Item 3.I, seconded by Council Member Moore and the motion passed.

3.II Conduct Swearing In of Newly-Elected Council Members.

City Secretary Juarez conducted the swearing-in of newly-elected Council Member Place 2 Jason Knight, and Council Member Place 4 Vickie Abrego.

3.III Consider and Act on Selecting a Mayor Pro Tem for the ensuing year.

A motion was made by Council Member Abrego to designate Carrie Scruggs as Mayor Pro Tem, seconded by Council Member Moore, and the motion passed.

4. PRESENTATION AND PROCLAMATIONS:

4.I. Presentation on Proposed City Hall Mural.

Gary Edwards, City Manager stated a Mural was recently painted at the Aquatic Center and wanted to propose the idea of a Mural at City Hall depicting the city's history on the front and the east side of the wall. There was a consensus from the council to move forward with a Mural at City Hall.

5. BOARD AND COMMITTEE APPOINTMENTS:

There were no board appointments.

6. CONSENT AGENDA.

6.I. Approval of Regular Meeting Minutes of May 2, 2022.

A motion was made by Mayor Pro Tem Scruggs to approve Item 6.I, seconded by Council Member Abrego, and the motion passed.

7. PUBLIC HEARINGS:

7.I 1st Public Hearing on Operating Budget for Fiscal Year 2022-2023. (The 2nd Public Hearing is scheduled for September 6, 2022).

Mayor Gomez opened the public hearing. Mr. Edwards stated the purpose of this public hearing is to receive comments from the public early in the budget process. There were no comments from the audience. Mayor Gomez closed the public hearing.

7.II. Preliminary Plat – Case No. 2205-11

1. Public hearing on Preliminary Plat application submitted by Sima & Steve, Inc. for a major subdivision to develop 43 single-family dwelling lots, being the property with legal description – Portion of Tract 2, Block A, Burton and Danforth SD, Vol. 152, Page 1; and Lot 1R, Wilke Estates, Envelope 1701, Tube 34-5, 8,875 acres in Aransas Pass, Texas, San Patricio IDs 72979 and 1032954, R-10 Zoning District.

Mayor Gomez declared the public hearing open. Mr. Edwards stated the purpose of this application is to develop 43 single-family homes. He stated the Planning and Zoning Commission considered the application and denied the request. He stated that nearby residents have raised issues regarding water, sewer, streets but these issues will be addressed later, not during the preliminary plat phase. Mr. Edwards stated what is considered during the preliminary plat phase is whether the developer has met and complied with the preliminary plat requirements, and the city's responsibility is to confirm that these requirements are met. But, due to the concerns raised by the residents in the area, Mr. Edwards provided an update on these issues – water, drainage, streets and zoning. He further stated that during this preliminary plat stage staff does not believe the project development is contributing to the existing problem. Mayor Gomez then asked for comments from the audience.

William McGraw, stated the acreage for the development is 14.01 acres; commented on the three different plat maps each with different dimensions; when the rezoning to R10 occurred; the current road infrastructure is inadequate; and opposes this preliminary plat.

Laura Rice, distributed photos of the affected cul-de-sac, and spoke about the road issues, no ditches, no drainage, or storm drainage. She stated she opposes this preliminary plat.

Butch Henry stated there is no sewer in the area, no ditches and added the neighborhood is not designed for the type of population this development will bring,

and stated she opposes to the preliminary plat.

Butch Henry, stated there is no sewer in the area, no ditches and no drainage, and retention ponds are at capacity, and stated he is not opposed to development, but it needs to be done responsibly.

Fred Mittelstedt, 1815 So. Saunders, stated the proposal has major problems before any development; commented on the Preliminary Plat dated May 2022 and commented that he believed the zoning was R16 not R10 and asked when the property was rezoned.

Murray Hudson, Urban Engineering representing the Developer addressed the following citizen concerns: Zoning – stated the property has been zoned R10 since 2006 to present and the preliminary plat complies with the R10 zoning; R10 zoning is 10,000 sq ft lot or larger; stated that what was denied previously was PD development. He stated that the Developer went back and resubmitted with R10 zoning and is a land subdivision not an engineering decision regarding drainage, sanitary sewer or water capacity. He further stated that a preliminary drainage plan was presented for the 43 lots and R10 zoning and capturing the 100-year storm.

John Bell, Attorney for the Developer, stated the homes that are being proposed are not small homes, they are large homes (10,000 sq ft) and specially zoned for this area. He stated comments have been made to stop development to fix the problems, but this cannot fix these problems unless development occurs to generate taxes. He then addressed street and drainage improvements cannot be done unless the traffic count is justified. Mr. Bell then stated when plats are submitted and are in compliance with, he ordinance, the council is required to approve it or articulate where it is legally deficient if it is rejected.

Rosita Gonzales stated she has been in this neighborhood for 20 years and is concerned for her neighbors and the environment.

Marshal Wellman stated she has been in this neighborhood for 26 years, there is no drainage and asked that the city not drown their homes and stated that if this plat meets the requirements why is a variance for the utility ROW necessary. Mr. Edwards responded the variance is for the sidewalk.

Reggie Picou, stated that when it rains his yard is a lake and there is a constant problems and asked that the council not approve this preliminary plat.

Joselito Padlo, 1820 So. Saunders, stated his backyard is a swamp and it does not drain and stated he opposes this development.

Cynthis Vasquez stated this proposed development will contribute in a negative way. She stated that when it rains there is raw sewage in residents' yards. She stated they built their home in 2014 per city requirements and had to sign an agreement to connect to the sewer tap and has a septic tank, and she opposes this development.

Roy Vasquez, stated this property was annexed in the late 1970's or early 1980's and there is still no sewer line, no ditches, and when it rains he has a river in his front yard; no storm drain, and opposes this development.

Debra McGraw, 930 Rhodes, stated there are 6 acres behind her property and spoke of the retention pond in the area and the depth adding the water pours over the ponds

and floods the area.

Joann Buckmaster stated she opposes the housing development of an additional 43 homes; stated she has had sewage running through her driveway and added these new homes will contribute to the problem.

Hope Davila, 575 W. Beasley stated when it rains her property floods and opposes to this new development.

Tom Osmun stated he opposes to this new development and does not want new neighbors next to his property; the flooding and traffic will be worse.

Sophie Cabrera, stated she does not live in this area but has family in this area; currently there is a good quality of life in this area and the addition of 43 new homes will ruin the purpose of the quality of life and opposes to this new development.

Mary Ann Johnson, Roadrunner Mobile Home Park stated when it rains the RV park floods and stays flooded, additional retention ponds will not help; and asked that the city work on the flooding.

Ginger Mittelstedt stated her concern is for the safety of the residents and is concern that So. Saunders does not have the street width to support the new neighbors that would be moving into this area and it is not safe for children.

There being no further comments, Mayor Gomez declared the public hearing closed.

2. Consider and Act on Ordinance granting approval of a Preliminary Plat of a major subdivision submitted by Sima & Steve, Inc. to develop 43 single-family dwelling homes as depicted in Exhibits A, B, C and D on property between Rhodes Avenue and W. Beasley Avenue, Zoned R-10 Single-Family Dwelling District in Aransas Pass, Texas.

Mayor Pro Tem Scruggs stated she supports the residents in the area, but the city also has a responsibility to the developers and does not want to be a city who does not support development when they have met all the requirements of the city.

A motion was made by Council Member Knight to deny the Preliminary Plat request submitted by Sima & Steve, Inc., seconded by Mayor Pro Tem Scruggs. City Secretary Juarez stated that for this item to pass it would require a super majority. City Attorney Cotroneo further explained that because this item includes two variances it will require $\frac{3}{4}$ vote of the council which is 4 votes to pass.

Mayor Pro Tem Scruggs asked for an explanation of the preliminary plat requirements, and Mr. Edwards responded this is not the final step. He stated that during the preliminary plat phase they will address issues such as making sure the development does not contribute to the drainage problem and other issues, followed by bringing the Final Plat to council for a final vote. Council Member Abrego asked if the council approves the preliminary plat does the developer begin to move soil, and Mr. Edwards responded they cannot move dirt or begin construction. Once the preliminary plat is approved, they begin to address the issues such as drainage and sewer improvements. In response to a question from Mayor Pro Tem Scruggs, Mr. Edwards stated that during the budget process they can begin to address these issues.

Mayor Pro Tem Scruggs referred to a statement made by a citizen where monies had been budgeted for improvements on Rhodes Avenue and asked if these monies were reallocated. Mr. Michael Bonner, Project Manager responded that when the water extension was placed in the ground in this area to connect Rhodes and Beasley from Avenue A to Saunders there were monies allocated for the installation of sewage. But because of the distance that the gravity sewer would have to travel to get to the proper lift station they were looking at sewer mains 22 to 25 feet deep, so this design project was kicked back and a new route of land acquisition where 12th street would extend through to Beasley would shorten the distance, but a lift station would have to be installed at the intersection of Rhodes and 12th Street to pump the remaining distance to Highland so there was money allocated. He further stated that unless the city can acquire a right-of-way that extends from Beasley to Rhodes, this sewage project cannot happen.

Mr. Hudson stated that the developer is responsible for extending water and sewer and building the streets at the developers cost for these lots. He stated there is an existing sewer manhole at the intersection of Rhodes and Saunders and would extend sewer from this manhole up to the two streets that extend across this 14-acre tract and the manhole is deep enough to serve gravity service to all 43 lots. Mr. Hudson stated that at completion and inspection it is turned over to the city for public maintenance.

In response to a question from Council Member Moore, Mr. Hudson responded there is an 8-inch line at Rhodes and Saunders and the developer will extend an 8-inch line from this manhole to this subdivision. He further stated that an 8-inch line can carry a half million gallons of sewage a day away from property, and that the existing issue with backing up of sewage is a problem due to the aging of the existing system not a problem of the new system for this development.

City Secretary Juarez polled the council for their vote on the motion to deny: Abrego, Moore and Gomez voting No; Knight and Scruggs voting Aye. The motion to deny the preliminary plat failed.

Council Member Abrego reiterated that the Preliminary Plat does not authorize the developer to being building. Mr. Edwards stated that in discussion with staff there may be a solution on the sewer that require some additional property and would like to discuss further.

A motion was made by Council Member Moore to approve Item 7.II.2 to approve the Preliminary Plat, seconded by Council Member Abrego. City Secretary Juarez explained that the motion to approve would require a super majority to pass because it is overturning the decision of the Planning and Zoning Commission. After further discussion on the motion, Council Member Moore withdrew her motion.

A motion was made by Council Member to table Item 7.II.2 and bring back to a Workshop Session, seconded by Mayor Pro Tem Scruggs, and the motion passed.

8. CITY MANAGER:

8.I Consider and Act on approving a Professional Services Agreement between City and SAFEbuilt Texas, Inc. to provide plan review and building inspection services for a twelve-month period.

Mr. Edwards stated this agreement is for additional building services.

A motion as made by Council Member Abrego to approve Item 8.I, seconded by Council Member Moore, and the motion passed.

8.II Monthly Municipal Court Report – April 2022.

Mr. Edwards announced that monthly department reports are being provided to council monthly in written form.

9. COMMUNITY ENRICHMENT:

9.I Monthly Community Enrichment Department Report – April 2022

Mr. Edwards announced that monthly department reports are being provided to council monthly in written form.

10. DEVELOPMENT SERVICES:

10.I Consider and Act on approving the issuance of a Request for Proposals for the Emergency Back-Up Generator Project.

Michael Bonner, Public Works Project Manager stated this is requesting approval to issue a request for proposals. He further stated this is a FEMA project and will consist of the installation of eight (8) back-up diesel pumps at most of the Wastewater Lift Stations, including Ransom Lift Station.

A motion was made by Council Member Abrego to approve Item 10.I, seconded by Council Member Moore, and the motion passed.

10.II Consider and Act on rejecting the original bids for the McCampbell Ditch Cleaning Project.

Mr. Bonner stated this item is to reject the bids for the McCampbell Ditch Cleaning Project. The bids received were over budget. He stated that city staff will evaluate options to complete this project in-house.

A motion as made by Mayor Pro Tem Scruggs to approve Item 10.II, seconded by Council Member Abrego, and the motion passed.

10.III Monthly Public Works Report – April 2022.

Mr. Edwards announced that monthly department reports are being provided to council monthly in written form.

10.IV Monthly Building Department Report – April 2022.

Mr. Edwards announced that monthly department reports are being provided to council monthly in written form.

10.V Monthly Planning and Zoning Report – April 2022.

Mr. Edwards announced that monthly department reports are being provided to council monthly in written form.

11. FINANCE:

11.I Consider and Act on approving the automatic increase in Garbage Services as stated in accordance with the contract with Absolute Waste.

Sandra Garcia, Director of Finance stated that an annual review of the Consumer Price Index (CPI) increased by 8.93% which translates to an increase of \$1.49 plus tax for our residential customers. She stated that residential customers are currently paying \$27.72 with tax and will increase to \$29.34. In response to a question from Council Member Moore, Ms. Garcia responded the increase would go into effect June 1, 2022.

A motion was made by Mayor Pro Tem Scruggs to approve Item 11.I, seconded by Council Member Moore, and the motion passed.

11.II Monthly Finance Department Report – March 2022.

Mr. Edwards announced that monthly department reports are being provided to council monthly in written form.

12. INFORMATION TECHNOLOGY:

There were no Information Technology items.

13. PUBLIC SAFETY:

13.I Consider and Act on approving the Mayor and Chief of Police to renew the agreement with the Defense Logistics Agency Disposition Services for participation in the Excess Department of Defense (DOD) Property Transfer Program (formerly known as the 1033 Program).

Eric Blanchard, Police Chief stated the purpose of program allows cities to acquire federal or state surplus property.

A motion was made by Council Member Abrego to approve Item 13.I, seconded by Council Member Moore, and the motion passed.

13.II Monthly Public Safety Report – April 2022.

Mr. Edwards announced that monthly department reports are being provided to council monthly in written form.

13.III Monthly Fire Department Report – April 2022.

Mr. Edwards announced that monthly department reports are being provided to council monthly in written form.

14. CITIZEN COMMENTS:

Carol Salinas commented about the cleaning of the McCampbell Drainage Ditch and asked why her property taxes include a fee to the San Patricio County Drainage Ditch to maintain the ditch. She asked if she is paying a fee to the Drainage Ditch why is she also paying the city to maintain the ditch.

15. CITY COUNCIL OR STAFF ANNOUNCEMENTS:

There were no staff announcements.

16. EXECUTIVE SESSION:

The meeting was recessed into Executive Session at 7:22 pm under the provision of Section 551, Texas Government Code to discuss the authority of:

16.I.1 Section 551.071, Waterline Easement to City by the Sea

16.II.1 Section 551.072, Property ID 67222, 221 S. Commercial, Lots 4-8 and 23-32, Block 549, Aransas Pass Townsite, San Patricio County.

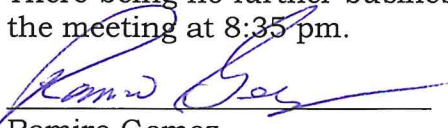
16.III Section 551.071 and 551.087, Deliberations regarding Economic Development Negotiations relating to a Potential Conn Brown Harbor Lease.

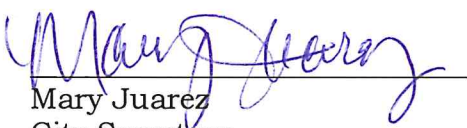
16.IV Section 551.071, 551.072, and 551.087 – Commercial Contract with 630 Ransom Island Partners, LLC (formerly known as Bluewater Partners, LLC) for unimproved property with an Addendum of Special Provisions for Nueces CAD No. 380310, 28.61 acres of land on Ransom Island Tr. 7, commonly known as 630 E. Ransom Road, Aransas pass, Texas

The council reconvened in open session at 8:34 pm. No action was taken.

16. ADJOURNMENT:

There being no further business to come before the Council, Mayor Gomez adjourned the meeting at 8:35 pm.


Ramiro Gomez
Mayor


Mary Juarez
City Secretary

Approved on: June 30, 2022